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Paper No.9

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DEC 30 2003

DIRECTOR OFFICE  
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In re Application of

SUZUKI et al.

Application No. 09/409,146

Filed: September 30, 1999

For: **NETWORK SYSTEM**

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:  
: DECISION ON PETITION TO  
: WITHDRAW HOLDING OF  
: ABANDONMENT  
:

This is a decision on the petition filed September 25, 2003, under 37 C.F.R. § 1.181(a) to withdraw holding of abandonment.

The application became abandoned for failure to timely file a response to the Non-Final Office Action mailed December 18, 2002. A Notice of Abandonment was mailed on July 29, 2003.

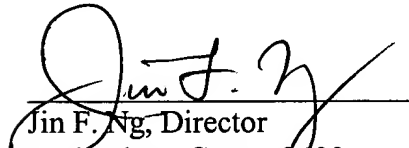
Petitioner asserts that he did not receive the Non-Final Office action mailed December 18, 2002. In support of the petition, Petitioner provides a copy of the Change of Address filed at the Patent and Trademark Office on November 27, 2002. A review of the file indicates that Change of Address was entered on November 27, 2002. A review of the record also indicates that the Non-Final Office action was mailed to the previous address of record on December 18, 2002. Therefore, there was an irregularity in mailing of the non-final Office action on December 18, 2002, as it was mistakenly mailed to an incorrect correspondence address. The Patent and Trademark Office regrets any inconvenience to the petitioner.

Accordingly, the application was not abandoned in fact, and the holding of abandonment is withdrawn.

The petition is **GRANTED**.

The Notice of Abandonment mailed July 29, 2003 is hereby vacated and the holding of abandonment withdrawn. In view of the time lapse between the original mailing of the Office action of December 18, 2002, and the date of this decision, the application file will be forwarded to the examiner of record for updating the search and the Office action as appropriate. From

there, the file will be forwarded to the support staff for mailing of the Office action to the correspondence address of record and setting a shortened statutory period of three (3) months for the applicant to respond.



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Communications